

By: Representative Hood

To: Education

HOUSE BILL NO. 1400

1 AN ACT TO AMEND SECTION 37-41-27, MISSISSIPPI CODE OF 1972,
2 TO AUTHORIZE SCHOOL BOARDS TO ALLOW MOTOR VEHICLES OTHER THAN
3 SCHOOL BUSES TO BE USED TO TRANSPORT SMALL GROUPS OF STUDENTS FOR
4 SCHOOL-RELATED ACTIVITIES; AND FOR RELATED PURPOSES.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

6 **SECTION 1.** Section 37-41-27, Mississippi Code of 1972, is
7 amended as follows:

8 37-41-27. (1) The local school boards, subject to rules and
9 regulations promulgated by the State Board of Education, may
10 permit the use of publicly owned school buses for the
11 transportation of participating students, teachers, coaches and
12 sponsors in connection with athletic events, events of boys' and
13 girls' clubs, events of Future Farmers of America or 4-H Clubs and
14 special events in connection with the schools which the boards may
15 consider a part of the educational program. The local school
16 boards, subject to rules and regulations promulgated by the State
17 Board of Education, may permit the use of publicly owned school
18 buses for the transportation of citizens for grand jury and other
19 jury functions upon order of the court or as considered necessary



20 by the school board during natural or man-made emergencies,
21 hurricanes, tornadoes, floods and other acts of God. The local
22 school boards, subject to rules and regulations promulgated by the
23 State Board of Education, may permit the use of publicly owned
24 school buses for the transportation of citizens attending an air
25 show or historic commemorative event held on a military base or
26 military park located in the school district; provided that such
27 determination shall be made upon the minutes of the school board
28 and shall include an agreement with the military base or military
29 park that it will indemnify and hold the school district harmless
30 in any action regarding such transportation.

31 (2) (a) Local school boards may regularly permit the use of
32 motor vehicles other than school buses when the transportation is
33 for trips to and from school sites or * * * for school-related
34 functions and activities; however, motor vehicles other than
35 school buses may not be used for customary transportation between
36 a student's residence and such sites.

37 (b) When the transportation of students is provided, as
38 authorized in this subsection, in a vehicle other than a school
39 bus that is owned, operated, rented, contracted, or leased by a
40 school district or charter school, the following provisions shall
41 apply:

42 (i) The vehicle must be a passenger car or
43 multipurpose passenger vehicle or truck, as defined in 49 C.F.R.
44 Part 571, designed to transport fewer than * * * sixteen (16)



45 students and which does not require a commercial driver's license
46 with passenger endorsement. Students must be transported in
47 designated seating positions and must use the occupant crash
48 protection system provided by the manufacturer unless the
49 student's physical condition prohibits such use.

50 (ii) An authorized vehicle may not be driven by a
51 student on a public right-of-way. An authorized vehicle may be
52 driven by a student on school or private property as part of the
53 student's educational curriculum if no other student is in the
54 vehicle.

55 (iii) The driver of an authorized vehicle
56 transporting students must maintain a valid driver's license and
57 must comply with the requirements of the school district's locally
58 adopted safe driver plan, which includes review of driving records
59 for disqualifying violations.

60 (iv) The local school board must adopt a policy
61 that addresses procedures and liability for trips under this
62 paragraph, including a provision that school buses are to be used
63 whenever practical and specifying consequences for violation of
64 the policy.

65 **SECTION 2.** This act shall take effect and be in force from
66 and after July 1, 2019.

